

**DECISION**

DIGEST - L-CP

**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548

147

FILE: B-181266

DATE:

DEC 5 1974

MATTER OF: Payment for unused hotel reservations.

**DIGEST:**

Rent for hotel room reserved by agency employees for use of civilian employee scheduled to travel on official business from Washington, D.C., to Kansas City, Missouri, but not used by him due to cancellation of travel may not be paid by Government, in absence of valid contractual agreement between Government and hotel, since individual employee traveling on per diem is expected to reserve and pay for his own lodging.

This decision is in response to a request by Mr. William C. Turner, an authorized certifying officer for the Small Business Administration (SBA), for an advance decision as to whether a claim for \$16 submitted by Holiday Inn covering an unclaimed guaranteed-room reservation for March 24, 1974, may be certified for payment.

The record shows that an employee of the SBA whose official duty station is Washington, D.C., was scheduled to travel on official business to Kansas City, Missouri, for the days of March 24, 25, and 26, 1974. SBA employees in Kansas City reserved hotel accommodations for the employee for that period of time. Subsequent to making the hotel reservation, the travel plans were canceled and the Kansas City Office of SBA was notified of the aborted trip and requested to cancel the reservation. However, due to an oversight, the reservation was not canceled until Monday morning, March 25, 1974.

Subsection 5702 of title 5, United States Code (1970), provides for reimbursement of subsistence expenses of civilian employees incurred in the performance of travel away from post of duty or official business in the form of per diem allowances. Under the implementing regulations, Federal Travel Regulations (FPMR 101-7) para. 1-7.1b (May 1973), the cost of a hotel room is considered to be an expense included in the form of per diem allowances. In this regard, an individual employee is normally responsible for reserving and paying for his own lodging. While it has been held by this Office that unused hotel reservations contracted for by

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the Government but not canceled within a reasonable time prior to the requested date will generally involve liability on the part of the Government to pay for the unused rooms (41 Comp. Gen. 780 (1962), B-121198, August 1, 1955), this principle has no application where there are only agreements between individuals traveling on per diem and the hotels. 48 Comp. Gen. 75 (1968).

The instant case involves a reservation made on behalf of a single traveler by agency personnel, not a contract between the Government and a hotel for a block of rooms, as was the case in 41 Comp. Gen. 780 and B-121198, *supra*. A purchase order issued by the Government on March 28, 1974, indicates that it was issued for the purpose of raising the issue of the Government's liability for the unclaimed guaranteed-room reservation, and was not intended to evidence a contract. In view of this, and the fact that per diem would have accrued to the employee had he entered into travel status, we believe that the Government is not obligated in this instance to pay for the unused reservation.

Accordingly, the invoice may not be certified for payment.

R.F. KELLER

Deputy Comptroller General  
of the United States